

**ALASKA STATE LEGISLATURE  
HOUSE SPECIAL COMMITTEE ON FISHERIES**

March 10, 2009

10:20 a.m.

**MEMBERS PRESENT**

Representative Bryce Edgmon, Chair  
Representative Craig Johnson  
Representative Wes Keller  
Representative Charisse Millett  
Representative Cathy Engstrom Munoz  
Representative Robert L. "Bob" Buch  
Representative Scott Kawasaki

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

**HOUSE JOINT RESOLUTION NO. 21**

Requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program license holder to participate in the Pacific cod fisheries in the Gulf of Alaska.

- MOVED HJR 21 OUT OF COMMITTEE

**HOUSE BILL NO. 143**

"An Act repealing the termination of licensing and regulation of sport fishing operators and sport fishing guides and licensing and registration of sport fishing vessels; and providing for an effective date."

- MOVED HB 143 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HJR 21

SHORT TITLE: GROUND FISH FISHERIES LICENSES

SPONSOR(S): REPRESENTATIVE(S) AUSTERMAN

02/27/09	(H)	READ THE FIRST TIME - REFERRALS
02/27/09	(H)	FSH, RES
03/10/09	(H)	FSH AT 10:15 AM BARNES 124

BILL: HB 143

SHORT TITLE: NO REPEAL OF SPORT FISH GUIDE LICENSING

SPONSOR(S): FISHERIES

02/23/09	(H)	READ THE FIRST TIME - REFERRALS
02/23/09	(H)	FSH, RES
02/26/09	(H)	FSH AT 10:15 AM BARNES 124
02/26/09	(H)	Heard & Held
02/26/09	(H)	MINUTE(FSH)
03/10/09	(H)	FSH AT 10:15 AM BARNES 124

**WITNESS REGISTER**

REPRESENTATIVE ALAN AUSTERMAN

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Presented HJR 21, as prime sponsor.

JULIE BONNEY, Representative

Alaska Groundfish Databank

Kodiak, Alaska

**POSITION STATEMENT:** Testified in opposition to HJR 21.

JEFFERY STEPHAN, Representative

United Fishermen Marketing Association

Kodiak, Alaska

**POSITION STATEMENT:** Testified in opposition to HJR 21.

ALEXUS KWACHKA

Kodiak, Alaska

**POSITION STATEMENT:** Testified in support of HJR 21.

RYAN JOHNSON

Kodiak, Alaska

**POSITION STATEMENT:** Testified in support of HJR 21.

LINDA KOZAK, Consultant

Kozak & Associates, Inc.

Kodiak, Alaska

**POSITION STATEMENT:** Testified in opposition to HJR 21.

JERRY BONGEN

Kodiak, Alaska

**POSITION STATEMENT:** Testified in opposition to HJR 21.

AL BURCH, Owner

AWTA & Burch Brothers

Kodiak, Alaska

**POSITION STATEMENT:** Testified in opposition to HJR 21.

STEPHEN TAUFEN, Founder  
Groundswell Fisheries Movement  
Kodiak, Alaska

**POSITION STATEMENT:** Testified in support of HJR 21.

SHAWN DOCHTERMANN  
Kodiak, Alaska

**POSITION STATEMENT:** Testified in support of HJR 21.

DAVID POLUSHKIN, Representative  
K-Bay Fishing Association  
Willow, Alaska

**POSITION STATEMENT:** Testified in opposition to HJR 21.

ILIA KUZMIN, Representative  
K-Bay Fisheries Association  
Homer, Alaska

**POSITION STATEMENT:** Testified in opposition to HJR 21.

BRENDAN HARRINGTON  
Kodiak, Alaska

**POSITION STATEMENT:** Testified in support of HJR 21.

CHARLIE SWANTON, Director  
Division of Sport Fisheries  
Alaska Department of Fish & Game (ADF&G)  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 143.

RICKY GEASE, Executive Director  
Kenai River Sportfishing Association (KRSA)  
Kenai, Alaska

**POSITION STATEMENT:** Testified in support of HB 143.

KEN LARSON, Secretary  
Prince Wales Sound Charter Boat Association (PWSCBA)  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 143.

MELVIN GROVE  
Valdez, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 143.

#### **ACTION NARRATIVE**

10:20:40 AM

**CHAIR BRYCE EDGMON** called the House Special Committee on Fisheries meeting to order at 10:20 a.m. Representatives Edgmon, Johnson, Kawasaki, Keller, Buch, and Millett were present at the call to order. Representative Munoz arrived as the meeting was in progress.

HJR 21-GROUNDFISH FISHERIES LICENSES

10:21:01 AM

CHAIR EDGMON announced that the first order of business would be HOUSE JOINT RESOLUTION NO. 21, Requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program license holder to participate in the Pacific cod fisheries in the Gulf of Alaska.

10:22:10 AM

REPRESENTATIVE ALAN AUSTERMAN, Alaska State Legislature, established the timeliness of passing the resolution to have it available for presentation at the North Pacific Fishery Management Council (NPFMC) [referred to as Council] April 1, 2009, meeting, and introduced HJR 21, paraphrasing from the sponsor statement, which read as follows [original punctuation provided]:

House Joint Resolution 21 requests the North Pacific Fishery Management Council (NPFMC) to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation [permit] (LLP) license holder to participate in the Pacific cod fixed gear fisheries in the Gulf of Alaska. It also supports the continuation of the existing LLP program for groundfish in the Gulf of Alaska, and supports a policy of broad participation in the harvest of marine resources in the Gulf of Alaska.

The NPFMC is the federal regulatory body that oversees management of the federal fisheries off the coast of Alaska, in the area from 3 to 200 miles from shore. The NPFMC is currently considering regulatory action that would create and require Pacific cod

"endorsements" on Gulf of Alaska fixed gear license limitation program (LLP) licenses in order to harvest the Pacific cod resource. (In this proposed action, "fixed gear" includes pot and longline gear types.) These endorsements would be placed on only those LLPs that have been used in a specific range of recent years. LLPs without Pacific cod endorsements could not be used to fish for Pacific cod. This action renders those LLPs functionally useless and valueless to their owners and increases the barriers for re-entry or new entrance into the Pacific cod fisheries. Of the LLPs that would be impacted by this action, more than 60% are estimated to be owned by Alaska residents.

Pacific cod is among the most important of the fishery resources harvested in federal waters in the Gulf of Alaska. Pacific cod is harvested by four different gear types, and on vessels ranging in size from very small (<30 feet) to relatively large (>100 feet). The greatest number of vessels harvesting Pacific cod in the Gulf of Alaska use pot, longline or jig gear, and the vast majority of these vessels are =60 feet in length. This is the core of the coastal Alaska resident fleet in the Gulf of Alaska. Pacific cod are also harvested using trawl gear.

The creation and requirement of Pacific cod endorsements for participation in federal Pacific cod fisheries in the Gulf of Alaska would create significant barriers for new entrants to Alaska's commercial fisheries, and for re-entrance by fishermen who did not participate in a specific range of qualifying years. It would also impact a group of recent fishery entrants who made their fishery investments after the qualifying years. Impacted individuals would include young Alaskans and enterprising crewmen looking to advance into ownership positions in the industry. This action is also likely to lead to consolidation of the fishing fleet and concentration of LLP ownership in fewer hands. Expected results of this action would include consolidation of the Gulf of Alaska Pacific cod fixed gear fleet, fewer crew jobs, less demand for support sector services in Alaska's coastal communities, and increased costs of entry into Gulf of Alaska fisheries.

In absence of a biological concern for resource sustainability, it is important to maintain fisheries with relatively low entry barriers to encourage and allow the entrance of the next generation of fishermen into Alaska's fisheries. While HJR 21 carries no legal force, it put the Alaska Legislature on record as supporting a policy of broad participation in Gulf of Alaska groundfish fisheries.

10:24:05 AM

REPRESENTATIVE AUSTERMAN reported that the initial action considered by the Council was to eliminate 65 percent of the LLPs; a program initiated in 2000 to control the number of boats entering the cod fishery in the Gulf. Initially, about 800 permits were issued, and anyone who had made a landing prior to 2000 was eligible to receive an LLP. Today, he said, an average of 300 boats are active in the fishery. The NPFMC tends to allocate quotas based on fishing history, which will be one of the options that will be considered to limit the cod permits. The Council has been scrutinizing the fishery for six years and has determined an endorsement policy that requires a fisherman to have landed cod within the allotted time period. Other groundfish species will remain, as originally established on the LLP, but the cod endorsement will be a new requirement.

10:26:41 AM

REPRESENTATIVE BUCH noted that the endorsement requirement appears to be acting as a restriction.

REPRESENTATIVE AUSTERMAN agreed that it is a restriction and underscored that only those with the endorsement will be allowed to fish cod.

10:27:45 AM

REPRESENTATIVE AUSTERMAN restated the 65 percent reduction that allows 45 percent of the fleet to fish, to emphasize that these would be the only participants in the fixed gear fishery. This action has created a "rub" with the fishermen, and the Council is being asked to maintain cod as an open fishery. The jig fishery is an open fishery, but it has developed differently, and does not provide the same opportunity. He also stressed that cod is the last fishery that allows new entrepreneurs to

readily enter, from a financial standpoint. For comparison, he equated the cod fishery development to the evolution of the salmon fishery. The federal and state governments approach fishery management very differently, and it is important to maintain this last vestige of an accessible fishery in Alaska, he opined.

[10:30:52 AM](#)

REPRESENTATIVE JOHNSON queried if there is a past historical model to consider; perhaps from another state.

REPRESENTATIVE AUSTERMAN recalled the halibut fishery IFQ, as a similar situation. When the number of permits is reduced, the basic result is limited access. The time frame is also an issue, because in the past two years fishermen have purchased permits/equipment to enter the cod fishery. Despite their investment, these fishermen will automatically be disqualified. He stressed the importance of protecting Alaska's interest for entering the cod fishery. To a question from Representative Buch, he said that the history of the NPFMC indicates a trend to turn responsibility over to the fishermen and stay out of the management realm. When the American Fisheries Act effectively narrowed the pollock fishery to only seven or eight vessels, Alaska did not get involved because the boats were not Alaskan, he reported, however the halibut IFQ and the Bering Sea crab fishery are examples of how fisheries become restricted, via Council actions.

[10:35:40 AM](#)

CHAIR EDGMON asked how many fishermen have entered into the fisheries in the last few years, and how many are Alaskans.

REPRESENTATIVE AUSTERMAN said he could not provide that information. Having the Council consider that number is a goal of some fishermen/associations, and the commissioner of ADF&G.

[10:36:56 AM](#)

CHAIR EDGMON referred to the committee packet and the Council's submission titled "North Pacific Management Council, December 2008 C-2(a) Gulf of Alaska Fixed Gear Recency Motion." He noted that ALTERNATIVE 1 is to take no action. The analysis of that non-action suggests that this would dilute the revenue stream for the existing, long term, vested participants, who would like

to see the cod fishery managed similar to other rationalized fisheries throughout the state.

REPRESENTATIVE AUSTERMAN held that the definition of a rationalized fishery may vary, and he opined that salmon has become a rationalized fishery. The cod fishery is already rationalized based on the issuance of 800 LLPs; no more will be issued. Fishermen enter the industry to be in a competitive business, however, some boats fish only to gain the history that may potentially add value to their permit. The ability to then sell the permit does not protect Alaskan fishermen. If we can stop this practice, we will have done a good deed, he said.

[10:41:03 AM](#)

CHAIR EDGMON opened public testimony.

[10:41:24 AM](#)

JULIE BONNEY, Representative, Alaska Groundfish Databank, stated opposition to HJR 21, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I represent fishermen that have License Limitation Permits (LLPs) that are endorsed for fixed gear in the GOA. Some of these fishermen will not receive a Pacific cod endorsement while other will if the North Pacific Fishery Management Council (Council or NPFMC) implements the recency action. Overall these fishermen realize that the Council must manage the fishery resource for sustainability, management easy and economics of the fishery. We do not support House Joint Resolution 21.

The resolution pits Alaskans against Alaskans both individually as well as individuals within communities. Those Alaskan's that are historically dependent on the Federal Pacific cod fishery against those Alaskan's that have not participated in the fishery. Basically this resolution puts the Alaska Legislators squarely in the middle of fish allocation decisions. However, you have not been involved in the lengthy Council public process over the last two years to understand the debate. The resolution is poorly written, contains many inaccuracies, and totally misrepresents what the Council recency action hopes to accomplish.

The reality is that the recency amendment package tries to balance protecting historically dependent license holders yet create entry level opportunities for new participants at a modest level. Below is a set of questions and responses that will help you understand whether this action is good for Alaska and compares this action with the State of Alaska limited entry system that is in place for many state fisheries.

Who wins and loses based on the recency threshold of one landing for the time period 2000 to 2006?

The recency action will increase Alaska ownership for those licenses that receive a P cod endorsement in the overall license pool (see table 1 attached), assumes recency threshold of 2000 to 2006.

For the WGOA, there are presently 264 endorsed licenses, 58% of these licenses are held by Alaskans and 42% are held by non-Alaskans. If the recency P cod endorsement amendment package moves forward then Alaska ownership will increase by 11% to 69% and non-Alaska ownership will decrease by 11% to 31%.

For the CGOA, there are presently 883 CGOA endorsed licenses, 69% are held by Alaskans and 31% are held by non-Alaskans. If the recency P cod endorsement amendment package moves forward with one landing 2000 to 2006 then Alaska ownership will increase by 11% to 80% and non-Alaska ownership will decrease by 11% to 20%.

The recency action will not disproportionately disadvantage small boat vessels (see table 2 attached), assumes recency threshold of 2000 to 2006.

For the WGOA there are presently 154 licenses for the vessels less than 60 foot and 110 licenses for vessels 60 feet or greater, 58% versus 42% respectively. After recency the number of licenses with P cod endorsements would be approximately 76 licenses for less than 60 feet and 23 licenses for 60 feet and greater, 77% and 23% respectively. The pool of licenses will increase by 19% for the less than 60 foot vessel class.

For the CGOA there are presently 702 licenses for the vessels less than 60 foot and 181 licenses for vessels 60 feet or greater, 80% versus 20% respectively. After recency the number of licenses with P cod endorsements would be approximately 240 licenses for less than 60 feet and 59 licenses for 60 feet and greater, 80% and 20% respectively. The pool of licenses available for the less than 60 foot vessel class will not change.

The recency action will remove a large portion of the Catcher processor licenses endorsed for the Western and Central GOA. Removing Catcher Processors will reduce competition with the Catcher Vessel sector for the available quota. Catcher Processors compete with the Catcher vessel sector if they are less than 125 ft and process less than 126 MT per week for the available Pacific cod quota. In the CGOA CP licenses that could participate in the Pacific cod fisheries would be reduced by 71% and in the WGOA by 48% if one landing from 2000 to 2006 is the recency threshold.

Why are there so many licenses available in the GOA?

The Limited License Program (LLP) limits access to the Federal groundfish in the GOA. Fishing under the program began in 2000. The LLP defined a general qualification period (GQP) and an endorsement qualification period (EQP) both of which must have been satisfied. The GQP period is from Jan 1988 - June 27, 1992 requiring one landing of any groundfish and the EQP requiring one landing for < 60 ft vessels and one landing in at least two calendar years from Jan 1, 1992 to June 17, 1995 for vessels equal to or greater than 60 feet. Vessels that landed two to three groundfish, which could be taken incidentally in other fisheries, qualified a vessel for a license. This was a minimal threshold that created a large number of licenses and gave license holders the opportunity to invest and participate in the groundfish fisheries. The action now being considered by the North Pacific Fishery Management Council examines whether LLP holders actually took advantage of the opportunity. The recency action is considering minimal thresholds for a period of up to 2000 to 2008, a nine year period.

Presently, there are more LLP licenses available than the fishery can support. National Marine Fisheries Service (NMFS) has stated that if all LLPs participated in the Pacific cod fishery that they would have no choice but to close the fishery since it would be unmanageable.

How does this action compare to the limited entry system in place for State fisheries?

The state of Alaska limited entry system that is in place for many state fisheries such as salmon and herring is no different than the license limitation system in place for federal fisheries for the Gulf of Alaska. In either case license holders' race for the available common quota; quota is not allocated to individuals.

In the first stage of the state limited entry system, a fishery is limited by adopting a "maximum number" of permits and issuing those permits to the highest ranking applicants under a hardship ranking ("point") system. By law and court decision, the maximum number for a fishery should be no less than the highest participation level in any one of the four years immediately prior to the qualification date.

In the second stage of limited entry, the law directs the Commercial Fisheries Entry Commission (commission or CFEC) to determine an "optimum number" for the fishery. The optimum number should represent a reasonable balance of three general standards specified in the law (see AS 16.43.290). The three standards include economic, resource conservation, and management concerns.

The federal action is much less restrictive than state limited entry system since the qualification period for the federal action at a minimum is five years (2002 - 2006) and at a maximum is nine years (2000 to 2008) compared to four years for the state system. In other words, state limited entry is more restrictive with regards to recent participation than what is being considered for the federal action.

How many licenses will remain after a recency action?

The number of licenses that will be endorsed for Pacific cod would be appropriately 200% of the average number of licenses that has participated in the fishery from 2000 to 2008 if the threshold time period of 2000 to 2006 was adopted.

Jig sector entry level opportunity?

The NPFMC is considering exempting jig gear from any LLP requirements or Pacific cod endorsements. In addition the Council is considering allocating this sector a non-historical share of the Pacific cod federal quota in the sector split amendment package. Typically Jig gear cannot compete with the other sectors during the winter months and typically jig gear harvests less than 1% of the available federal quota. The sector split amendment is contemplating allocating 5% of the federal TAC to these participants. Most jig gear operations do not have an LLP but instead participate inside the state parallel zone of 0 to 3 miles. With the exemption vessels would have access to fishing grounds from 0 to 200 miles and up to 5% of the federal quota.

For Alaskan's this opportunity is much more viable then leaving a bunch of licenses in the fixed gear sectors available for any US citizen to access. Jig gear is really only viable for Alaskan residents since the fishery is not efficient enough for non-residents. Weather impacts the fishery and trip ex-vessel values are usually less than \$2,500 per trip. It only makes sense for residences that live in Alaskan coastal communities. Additionally, cod jigging is a good supplemental income for many fishing operations in the winter and spring months. If the Council stops action on the recency action then the jig sector opportunities would most likely be stopped since this is part of the trade off for the overall action of recency and sector splits.

How can fishermen enter the Pacific cod fishery?

There are many methods to access the Pacific cod resource in the GOA besides receiving a Pacific cod endorsement for an LLP. These options included:

Fish in the parallel fishing zone without a cod endorsed LLP.

Participate in the State of Alaska Pacific cod fisheries which have been allocated 25% of the federal Acceptable Biological Catch limit.

Buy a LLP with an endorsement from another license holder.

Participate in the newly created Jig fishery (if both the recency and sector split actions move forward).

Participate in the WGOA B season which would allow an LLP holder to participate (no P cod endorsement required).

Why protect License holders?

According to Alaska statute "Economically healthy fishery" is defined in AS 16.43.990(2) as follows:

(2) "Economically healthy fishery" means a fishery that yields a sufficient rate of economic return to the fishermen participating in it to provide for, among other things, the following:

(A) Maintenance of vessels and gear in satisfactory and safe operating condition;

And

(B) Ability and opportunity to improve vessels, gear and fishing techniques, including, when permissible, experimentation with new vessels, new gear, and new techniques.

Allowing excessive entry will not provide for an economically healthy fishery. Data in the Council analysis for gross revenues data indicate that the majority of fixed gear catcher vessel and catcher processor licenses that did not have any qualified fixed gear landing during the proposed qualifying period elected to participate in other Alaska fisheries during this period.

Out of 264 Western GOA licenses, there are 171 licenses that did not have any qualified landings

during 2000-2006. However, 144 of the 171 licenses had landings in other Alaska fisheries. Western GOA licenses that did not have directed Pacific cod landings, but were active in other fisheries, had revenues mainly from the IFQ halibut (35.4%) and sablefish (21.4%) fisheries, and the BSAI trawl fisheries (31.1%). Less than 1% of revenues were from GOA Federal (0.8%) or State waters (0.3%) fixed gear fisheries. In contrast, most Western GOA licenses that had at least one fixed gear groundfish landing during 2000-2006 also participated in the State waters Pacific cod fisheries (72 of 93 licenses), and many licenses had landings in the Central GOA fixed gear Federal fisheries (20 licenses). The majority of active Western GOA licenses also had shellfish, salmon, and IFQ halibut landings. Gross revenues for licenses with qualified Western GOA landings were from IFQ halibut landings (29.5%), shellfish (33.4%), and salmon (19.9%). Notably, GOA trawl groundfish fisheries comprised 18.8% of revenues for licenses with at least one qualified landing, and landings from the Western GOA directed Pacific cod fishery comprised only 11.0% of gross revenues.

Of 883 Central GOA licenses, 614 licenses did not have at least one directed Pacific cod landing during 2000-2006; 500 of these non-qualified licenses had landings in other Alaska fisheries. Similar to nonqualified Western GOA licenses, the majority of revenues by these licenses were from IFQ halibut (35.0%) and sablefish (21.3%), and the BSAI trawl fisheries (13.6%). Only a small proportion of revenues by these licenses were from the fixed gear groundfish fisheries in the Western GOA (0.7%) or from the GOA State waters Pacific cod fisheries (1.4%). Most Central GOA licenses that made at least one directed Pacific cod landing during 2000-2006 also participated in the halibut IFQ fisheries (226 of 269 licenses). These licenses also fished for salmon (164 licenses), IFQ sablefish (141 licenses), State GOA Pacific cod (140 licenses), and shellfish (123 licenses). Revenues by active licenses were from halibut IFQ landings (45.1%), followed shellfish (10.3%). Directed Pacific cod landings from the Central GOA comprised 10.0% of gross revenues by Central GOA licenses with at least one qualified landing during 2000-2006.

When comparing annual gross revenues per license, the most apparent difference between catcher vessel licenses with directed Pacific cod landings and licenses without qualified landings is that they are participating in a different suite of fisheries. Western GOA CV licenses with at least one qualified CV landing during 2000-2006 had annual gross revenues of \$274,608 per license. In contrast, Western GOA CV licenses without qualified landings had substantially higher revenues, averaging \$622,658 per license. There was not a large difference between annual gross revenues for Central GOA CV licenses with qualified fixed gear landings (\$319,458) and without qualified landings (\$353,067). Many of the fisheries that non-qualified licenses participate in are difficult for Pacific cod dependent license holders to enter. Entry for the following fisheries -- IFQ sablefish, IFQ halibut, IFQ BSAI crab, AFA pollock and state limited entry fisheries such as salmon and herring - all would come at a substantial cost to gain access for participation. Allowing other non-dependent LLPS to enter the GOA Pacific cod fishery with limited costs seems wholly unfair to these economically depend fixed gear participation.

In conclusion my member fishermen do not support HJR #21. We believe the appropriate forum to advocate for fish allocations and management of fisheries resources is at the respective fishery management bodies - the Alaska Board of Fisheries and the North Pacific Fishery Management Council.

MS BONNEY elaborated on her written testimony to point out that Kodiak has historically opposed limiting the fishing industry. However, to protect the sustainability of the resource requires that it not be left open for everyone, as the fishery is not endless or unlimited. She mentioned other fishery issues that she opined the committee should take time to address, and maintained that the Council has worked to create balance in the fishery.

[10:45:51 AM](#)

JEFFERY STEPHAN, Representative, United Fishermen Marketing Association, stated opposition to HJR 21, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

HJR 21 addresses a proposed regulatory action that is under consideration by the North Pacific Fishery Management Council ("NPFMC" or "Council"). The proposed regulatory action is intended to add gear-specific (i.e., pot, hook-and-line, and jig) Pacific cod "endorsements" to fixed gear licenses for the purpose of limiting entry to the directed Pacific cod fisheries in Federal waters of the Western Gulf of Alaska (WGOA) and the Central Gulf of Alaska (CGOA). Briefly, licenses that meet the selected catch threshold (1, 3, or 5 landings, or 5 mt, 10 mt, 25 mt, or 100 mt of directed Pacific cod catch) using pot, hook-and-line, or jig gear would receive gear-specific Pacific cod "Endorsements". The NPFMC has the flexibility to select different catch thresholds for vessels within the array of gear (i.e., pot, hook and line, etc.), operation type (i.e., catcher vessel, catcher processor, etc.) and vessel length sectors that are included in this proposed action.

It is important to note that the proposed action to implement Gulf of Alaska (GOA) fixed gear P. cod Endorsements provides needed stability for the Alaska resident fleets that participate in the WGOA and CGOA fixed gear P. cod fisheries, and incorporates several tools to ensure ample opportunities for new participation and entry-level participation in these fisheries. The proposed Endorsements action seeks to arrest an ongoing and continued deterioration of, and to provide necessary protection for, the social, cultural and economic characteristics of WGOA and CGOA communities, and those fishing businesses, vessels, vessel owners, operators, crews, support businesses, etc. that are so important to Kodiak and other Alaska coastal communities, and that depend on stability and growth in the CGOA fixed gear P. cod fishery. The proposed GOA fixed gear P. cod Endorsements action adopts a fleet management protocol that is very similar to that which is instituted in the State of Alaska Limited Entry system; that is, the proposed Endorsements action creates licenses that have a similar purpose and function, for example, as the Limited Entry Licenses that are created by the State of Alaska in the Kodiak salmon, herring and tanner crab fisheries.

We respectfully request that the House Fisheries Committee please understand that a regulatory process has been underway for a long period of time to develop a proposed action for GOA (Gulf of Alaska) fixed gear P. Cod Endorsements. Many of the Alaskan communities, fishing businesses, vessels, vessel owners, operators, crews, and support businesses, etc. that depend on the GOA fixed gear P. cod fishery would be detrimentally impacted by the adoption of HJR 21. We fear that the individuals, businesses, and coastal communities who are in need of the proposed Endorsements action may be harmed by legislative insertion into this process that may be caused by HJR 21. HJR 21 seeks to insert the Alaska Legislature into a regulatory process that is governed by a federally established entity that has developed the proposed initiative for GOA fixed gear P. cod Endorsements. However, HJR 21 falls far short of providing an accurate, thorough, complete, and comprehensive consideration and understanding of the issues that are associated with the proposed Endorsements action. We fear that a significant investment of their time and attention to fully and completely understand the significant complexity, considerations, ramifications and details of the statutory, regulatory, social cultural, economic and statistical considerations and analysis that have heretofore already been invested in the Endorsements initiative.

To be clear, we respect and support the authority, interests and prerogatives of the Alaska Legislature, on behalf of the State of Alaska, its resources and its citizens, to convey official expressions and resolutions of interest, intent and policy for the purpose of addressing specific resource management initiatives that may otherwise lie within the official jurisdiction of a resource management entity that is officially established apart from the jurisdiction of the State of Alaska. However, the action that is proposed in HJR21 is misdirected, unproductive, and unreasonable, and leads to no practical or beneficial result whatsoever. And the accuracy, efficacy, manner of expression and foundation of the provisions therein contained are in large part hyperbole, malapropos, uninformed and inaccurate. HJR 21 suggests action that would significantly disadvantage and harm Alaska-resident harvesters and Alaska coastal communities,

and instead, permit the continuing erosion of Alaskan interests in the GOA fixed gear P. cod fishery that is caused by non-Alaskan interests, and other interests that are otherwise enriched by favorable management programs in other fisheries.

Please bear in mind that the consideration of the proposed action for GOA fixed gear P. cod Endorsements is given by federal statute to a federally established entity (i.e., the NPFMC) in which the State of Alaska has statutorily been provided with significant official standing, involvement, influence and participation. The State of Alaska has reasonably sufficient and experienced professional resources with which to engage, and which have, in fact, reasonably engaged, in the development of the proposed Endorsements action. The State of Alaska has significant and ample opportunity to consider, balance, judge and advocate the details and impacts, and the policy and other considerations, that are associated with the proposed Endorsements action.

Importantly, the proposed Endorsements action that is referenced in HJR 21 has been under development for several years, and is scheduled for final action during the April 2009 , NPFMC meeting. The proposed action is very important to the stability, survival, and future growth of the traditional and customary social, cultural, economic, and business framework of Kodiak and other Alaska coastal communities. In fact, aggressive action to address the problems, challenges and threats to such stability, survival and future growth, such as are addressed in the proposed GOA Endorsements action, should have been taken and implemented many years ago.

We respectfully request that the house Fisheries Special Committee, the House Resources Committee and the Alaska Legislature please do not insert themselves in the proposed GOA fixed gear P. cod Endorsements initiative, especially in the manner that is expressed in HJR 21.

MR. STEPHAN added that the NPFMC recency action does not constitute rationalization, consolidation of the fleet, or the creation of individual transferable quotas. He stressed that 25 percent of the Pacific cod quota is reserved for state waters,

without entry restriction. Neither are restrictions placed on the jig or state water parallel fisheries. He reported that the 800 permits were established by the Council in 1995, and many of them are held by people who are no longer active in the fishery. The recency requirement could most closely be compared to the limited entry fisheries for tanner crab or salmon.

[10:49:22 AM](#)

ALEXUS KWACHKA expressed support for HJR 21. The LLP reduction will act as a stepping stone towards privatization, and he predicted that it will progress to a sector split, followed by an IFQ issue. Additionally, young fishermen will not be able to afford to participate in the fleet. This cod fishery often provides additional income for fishermen who experience a low yield salmon season. It would be important for Alaska to consider what it would like its fishing communities to "look like in the future." The Council process does not address this picture, he said.

[10:50:47 AM](#)

RYAN JOHNSON stated support for HJR 21, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I am a small boat fisherman from Kodiak. I am 36 years old and have fished out of Kodiak since 1993 and resided in Kodiak since 1997. Since 2001 I have participated in the Pacific Cod fishery using posts and longlines on board my very small 38 foot boat, the Cyclone. I currently own a Central Gulf LLP for the Cyclone that is valid for boats up to 46 feet in length, and all of my catch history has been with this LLP. In January of 2008 I purchased a new vessel, the Castle Cape, which is 48 feet long and came with another Central Gulf LLP that does not have any recent history. I've since learned that the NPFMC is attempting to revoke LLPs that don't have any history, which would effectively ban me from a fishery that I have participated in for seven years.

As a year-round resident and home-owner in Kodiak, I depend on several fisheries throughout the year to make my business plan work. Pot fishing for cod in the January and February seasons is crucial to my winter survival and to the servicing of the debt that

I have taken on with my fishing business. I have borrowed substantial sums over the years, not only for my vessels, but for my pots and gear such as haulers, launchers, bait-choppers etc. I employ local crewmembers who also live year-round in Kodiak and have families with small children. It is with great dismay as I watch the Council yet again run roughshod over the majority of Alaskan stakeholders for the good of only a few. Most of the beneficiaries of this action are large boat owners who are approaching or beyond retirement age, and who already received huge private quota allocations in the Halibut/Sablefish IFQ Program and/or the Bering Sea Crab IFQ Program. If this action passes, the LLPs that are left will take on a much larger value, and I will be forced once again to take on more debt just to continue to participate.

I applaud the efforts of Representative Austerman and others to stand up for working Alaskans and oppose this harmful Council action.

10:52:35 AM

LINDA KOZAK, Consultant, Kozak & Associates, Inc., indicated her concern for HJR 21, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

In reviewing HJR 21, I have concerns regarding the resolution that I would like to address. These concerns are divided into three categories in the hope to more efficiently articulate my thoughts. My proposal to the North Pacific Council can be found at the end of this document.

#### History of the Issue and Some Facts

In regard to HJR 21, I wonder how many members of the Legislature or staff have bothered to read the 80-page analysis or reviewed the problem statement or the history of this issue. In 1999, the Council, at the request of industry, began working on a comprehensive program that would provide individual fishing quotas for the Pacific cod fishery participants in the Gulf of Alaska. By April of 2003, the Council was prepared to begin discussions on a preliminary alternative for

defining the program. The full analytical process began and for three years, hearings were held.

In 2006, shortly after a change in administration, the State of Alaska successfully removed the IFQ alternatives from the discussion and instead began to look at stabilizing the Pacific cod fishery by revising the limited entry licenses that are in place for groundfish and for creating sector allocations. The recency proposal was to provide for a specific endorsement to fish in the directed Pacific cod fishery and participation in that directed fishery would be necessary in order to receive the endorsement. It is important to note that when the original groundfish licenses were initially distributed that any landing of any type of groundfish qualified a person to receive the license. The proposal now is to simply provide a directed Pacific cod endorsement for those who have actually fished Pacific cod in the last nine or ten years.

The North Pacific Council has been dealing with the Pacific cod issue since 1999 and final action on this item is scheduled for April of this year. There has been plenty of time for people to provide comments and recommendations in the last ten years. Many Alaskan fishermen who are dependent on this fishery support the Council moving forward and providing some stability in this fishery.

#### Agency Authority for Fishery Management

For the state waters fisheries including salmon and herring, the authority to manage lies with the Alaska Board of Fisheries, with limited entry proposals being addressed by the Commercial Fisheries Entry Commission. For the federal fisheries, the North Pacific Fishery Management Council is tasked with recommending to the Secretary of Commerce various management and allocation decisions, as well as limiting access to the resource. Each of these bodies has a process for their decision-making, which includes proposals, analysis, hearings, and appeals. In regard to the North Pacific Fishery Management Council, the governor of the State of Alaska is represented by the ADF&G Commissioner or designee and there are five other Alaskans on the Council.

When the United States Congress or Alaska Legislature intervene in the management of fishery issues, problems are inevitable. Many times elected officials have been lobbied on an issue by a segment of the industry focused on achieving a specific goal, and they approach a friendly elected face to promote that idea. It is often the case that the information presented is lacking or even misleading and very little time is spent on attempting to understand the issue.

#### Specific Concerns Regarding the Resolution

The resolution is specific to limited entry, but the WHEREAS statements mix limited entry with individual fishing quotas which results in a confusing and misleading document.

Some observations regarding specific sections are shown below:

Page 2, line 6:

The action in question is only for the federal waters and inside three miles, which are state waters, no limited entry exists. This is confusing.

Page 2, line 12:

The North Pacific Council under the leadership of the State of Alaska, in fact, reversed course in 2006 and is now only focused on the limited entry aspects of the fishery. This is not considered "rationalization" and should not be confused with an IFQ or cooperative fishery.

Page 2, line 16:

Limited entry is not known as "rationalization".

Page 2, line 18:

The action being considered is not "rationalization" and other limited entry programs such as salmon and herring have not demonstrated significant job losses or consolidation, rather they have served to stabilize the industry.

Page 2, line 20:

The action being considered will not have negative impacts on businesses in coastal Alaska. Again, the action will not promote consolidation or job loss.

Page 2, line 22:

Active participation in a fishery is considered by some to be owner on board, while others consider it to be a vessel owner who hires a qualified skipper and crew to run their vessel. The tradition in the Pacific cod fishery in the Gulf is for some owner on board and some hired skipper situations. This will not change in the limited entry action being considered.

Page 2, line 25:

This statement does not appear to be factual.

Page 2, line 27:

All limited entry fisheries have some entry costs. The cost for entering the Pacific cod fishery will be substantially less than that for many salmon or herring fisheries in the state. This statement seems to say that all fisheries should revert to open access. Most salmon or herring permit holders would not agree.

Page 3, lines 15 - 29:

It is difficult to agree that all groundfish fixed gear licenses without a cod endorsement would be valueless. If you have never fished for Pacific cod and don't get an endorsement to fish Pacific cod in the directed fishery, you have lost nothing.

Page 4, line 2:

A limited entry program is not a natural progression towards "rationalization".

Page 4, lines 4 - 12:

The number of participants will not decline under one of the Council's alternatives. Instead it will simply grant an endorsement to participate in the directed Pacific cod fishery for those who already are or have even made one landing since 2000. No jobs will be lost or demand reduced for shore side support or services.

Proposal for the North Pacific Fishery Management Council.

The proposal that I have been promoting for some time is that if anyone has demonstrated dependence in the last ten years by either purchasing a license or making even one landing, they would receive a fully transferable Pacific cod endorsement. This seems very generous and would not shut anyone out of the fishery. If you haven't made even one landing in ten years, you aren't dependent on the fishery.

In speaking with Council staff, there are about 900 groundfish licenses in the Central Gulf and around 300 in the Western Gulf for fixed gear. If the Council chose to award Pacific cod endorsements for those vessel owners who have made at least one landing in the last ten years, regardless of poundage, this would result in around 300 licenses in the Central Gulf and 150 in the Western Gulf. This action would provide stability for the fleet that is dependent on the fishery, demonstrated by their actual participation.

The Council action would not preclude halibut IFQ harvesters from retaining cod taken incidentally, nor would it limit in any way the jig fishery. Of course, the state waters fishery has no license restrictions.

[10:54:56 AM](#)

JERRY BONGEN concurred with the earlier comments of Linda Kozak, that comparing the Council's recency action to rationalization is a gross misrepresentation. In past fishery policy actions, rationalization has been used to award catch history to individuals, boats, and co-ops. This action in no way attempts to do that, he said. The vast majority of the LLPs issued in 1995 were generated by incidental landings of Pacific Cod during other fisheries. The LLPs were a windfall for the fishermen, at that time, who were actually fishing for halibut or black cod. The fishery is fully prosecuted, he reported, and a recency action is needed to stabilize the fishery. At present there are less than 100 pot boats participating. Of those, six are less than 50 feet. To be economically viable in the cod industry an investment of \$400,000-\$500,000 would need to be in the hand of a young entrant, he opined, and it is essential to ensure economic stability. By leaving the fishery open, opportunities

for young fishermen to enter the industry will be diminished, as they will have no assurance of economic success.

[10:58:14 AM](#)

AL BURCH, Owner, AWTA & Burch Brothers, stated opposition to HJR 21, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

The Alaska Whitefish Trawlers Association urges you to NOT SUPPORT HJR21. AWTA represents approximately 40 trawl vessels that fish out of Kodiak.

The resolution seeks to stop the North Pacific Fishery Management Council's (NPFMC) consideration of a recency amendment package regarding the Pacific cod fishery in the Gulf of Alaska.

The NPFMC recency amendment package, seeks to protect those fishermen who have historically fished Pacific cod, while establishing a clear path for future entrants into the fisheries. At the same time it allows new interests to the fishery. It protects the interests of those who took all the risks and financial commitments to develop and set the foundations of Kodiak's cod fisheries.

Another big consideration regarding HJR 21, is that it puts the legislature in the position of regulating and making decisions on fisheries that are most appropriately handled by the North Pacific Fisheries Management Council and by the Alaska Board of Fish.

The resolution puts the Legislature smack-dab-in-the-middle of fish allocation issues that will pit Alaskans against other Alaskans. That is not an appropriate place for legislators, nor is it appropriate to manage fish allocation issues by legislative resolution. It sets a bad precedent that will leave Alaska's fishermen and Alaska's fish resource the worse for it.

I have lived in Alaska since Territorial days, 40 years of it here in Kodiak. I've fished Alaska waters for more than 50 years. I've also been involved in fish politics and am familiar with the process of fish

management conducted by the Alaska Fish Board and the North Pacific Fisheries Management Council (NPFMC).

11:01:33 AM

STEPHEN TAUFEN, Founder, Groundswell Fisheries Movement, stated support for HJR 21, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

The Groundswell Fisheries Movement [is] a public advocacy established to recover the \$2 Billion shortfall every year in Alaska fisheries due to the global structure of the corporations involved, and their international tax strategies. I also am an Input/Output economist who did work for over 20 country programs for the Northwest tree fruit industry, for 7 years. I also spent two decades in Alaska fisheries accounting & operations management; and now represent the citizen-taxpayers.

When I first heard the word RATIONALIZATION show up in Alaskan fisheries, I understood immediately what it was, because it has a 150-year old history. It is the substitution of globalized corporations extracting the wealth and subjecting peoples to their whip - in order to serve their stockholders and their strategies - it is the destruction of local economically sustainable agricultural systems. And it put the fear of God in me.

There is a vast difference between being 'rational' - as if that word is a goal - and the kinds of 'rationalization management schemes' (or 'regimes'), which is their proper term (at the NPFMC): the "Ism", the ideology of PRIVATIZATION practiced by the North Pacific Fishery Management Council.

Being rational is having annual privileges. (Fish is harvested by working participants.) It is taking a look at maintaining local sustainability.

Rationalization is privatization of a PUBLIC ASSET. (Economist) John Maynard Keynes called it 'ASSET COMMODITIZATION' -you take and pull all of the future annual values into the present day (represented by salable quotas). And it does not resolve OVERCAPITALIZATION: it causes it! It has caused

hundreds of millions of dollars from INVESTOR CLASS people to come into our fisheries, yet do nothing actually for the operation of those fisheries.

Being rational concentrates on SELLERS having control. That is why the IFQ program worked so well to raise Halibut (prices in our state).

Rationalization is designed to serve a BUYER'S CARTEL. It establishes the mechanisms of Price-Fixing and causes Restraints of Trade, Fleet Consolidations and Job Losses.

Being rational is PUBLIC SERVING. It serves the Public Commons. And preserves Opportunities for Individuals

.  
Rationalization's purpose is to remove from the Public Commons the People's rights -natural resources, air, salt, water, ... where does it stop? - to serve a few Investor Class people, intent on getting rich.

People ask, "Where has the value gone?" But there has been testimony at the Council showing over 7 years of groundfish values in Japan ports versus United States ports. And those numbers, in Japan ports, for the same kind of fish, pollock, were 2.4 to 3.8 times higher (paid by many of the same global firms operating here).

Cod is similarly undervalued. Bristol Bay sockeye salmon, too.

What Alaska has failed to do - and there are 22 states or so in this Nation that are united dealing together with democracy and trade issues for the benefit of the local and state levels - is govern the Conduct of Trade.

Alaska has failed to establish a Resource Accountability and Transparency Board (RATB) - and to form a Trade Oversight Commission.

I support HJR021, as a way to slow things down - and to give you folk's time to join the modern world of enforcing fair, reciprocal trade conduct.

Alaska's bountiful natural resources promised vast public wealth and the creation of a large middle class sharing in it. But when a few carpetbagger corporations intended to take all those profits, just for themselves, and employed a few corrupt politicians to do it - repeating the resource extraction history in countries all over the world - then we become subjected to what political economics calls a RESOURCE CURSE.

Adding insult to injury, those same powerful corporations then work politically to dominate the very regulation-making oversight bodies that would otherwise strongly protect public rights. This condition is known globally as REGULATORY CAPTURE. And many of you have heard the complaints about the NPFMC being captured by "the industry" - i.e. corporatocracy players and government participants with conflicted interests. Such KLEPTOCRATS operate purely on Greed.

Making Regulatory Capture by an Industry's dominant players into a criminal offense is for many nations, today, in the top-four on their priority list of measures needed to ensure greater Accountability and Transparency and fairness in the global Conduct of Trade.

[11:05:11 AM](#)

SHAWN DOCHTERMANN stated support for HJR 21, and opined that it will serve to protect communities and future fishermen. The NPFMC is not following the mandates of the Magnuson-Stevens [Fishery Conservation and Management Act], he asserted. The Council's scheme is to hand out privileges for the future to past participants who have already benefited from the fishery. Given the operation costs, the jig fishery in the state waters may not prove to be viable. He cited a disconnect of "boots on" fishermen, not being granted the privilege of fishing, while other, non active fishermen have the protection and control of holding a permit.

[11:08:05 AM](#)

DAVID POLUSHKIN, Representative, K-Bay Fishing Association, stated opposition to HJR 21, paraphrasing from a prepared

statement, which read as follows [original punctuation provided]:

I am representing the K-Bay Fisheries Association Inc. We are all Alaska Residents and small boat fishermen all of our members are longline and drift salmon fishermen.

We have 44 members in our Association and all of the members are owner/operators of 50 feet and under boats. All the members participate in the P-Cod fishery during the federal seasons. We have members that live in Willow, Wasilla, Nikolaevsk, Kachemak Selo, Voznesenka, Razdolna, and Afognak Villages of the Russian communities.

We oppose HJR 21 as it is not productive for the legislature to insert themselves in complex fishery management issues.

In HJR 21 there are misrepresentations and incorrect assertions, such as consolidation of vessels, reduction of participants, and elimination of crew jobs.

It is totally false because with the LLP recency action that the Council will take will actually save crew jobs, protect long time local Alaska fishermen that have been dependent on P-Cod fishery, protect small boat owner/operations from being pushed out of the fishery by bigger so called "super 58 footers" that have just recently started fishing and are taking a bigger chunk of the TAC.

With the current final action that the Council is considering there will still be anywhere from 110 to 306 permits that will qualify.

With this action there will be more than enough participation that will protect the resource and the historical participants that rely on the fishery.

There is assertion that the fishermen will not be able to enter into the fishery? That is not true they can enter the fishery by fishing in the state waters that are inside 3 miles you do not need an LLP in state waters.

This is nothing new that is just coming down the pike this has been discussed for a long time people knew that something was going to happen, yet they still chose not to participate in the fishery. It shows that they do not rely on the fishery.

There is assertion that all the supporters are big boat owners that are ready to retire which is far from the truth majority of our members are under 40 years of age and are all small boat owner/operators.

We do not support HJR 21 and urge you to let the Council process work as it is intended and formed for this task as managers of our resources.

11:11:06 AM

ILIA KUZMIN, Representative, K-Bay Fisheries Association, stated opposition to HJR 21, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

[I am a] long time cod participant in the Gulf of Alaska, specifically in [the] Central Gulf but based out of Homer.

We have to end this race for fish due to safety as [our] number 1 priority.

We oppose House Joint Resolution #21 as it is not productive for the legislature to insert themselves into complex fishery management issues.

In HJR 21 there are misrepresentations and incorrect assertions, such as consolidation of vessels, [and] reduction of participants of crew jobs.

So we ask the committee to let the Council do its job to complete this process of LLP Recency.

11:12:21 AM

BRENDAN HARRINGTON, stated support for HJR 21, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I'm 28 years old, from Kodiak, and I've been fishing professionally in Alaska for all of my adult life and,

as a second generation fisherman, most of my childhood as well. I've recently begun to make the transition from working on the back deck of a boat to running a boat myself. I'm here to speak in favor of HJR 21, as it stresses the importance of protecting an important public resource, and of securing a future for young Alaskans who wish to make a life for ourselves in the fisheries.

The attempt to apply cod restrictions to existing LLPs effectively shuts down one of the few remaining avenues to break into a fishery that my generation of fishermen has open to us. It would effectively keep us out of the wheelhouses and relegate us to the back decks. As it stands today, the cod fishery is the last major holdout against a tide of consolidation in the industry.

Similar actions have already been taken in other fisheries. I have fished halibut and black cod since I was 14 years old, but I've reached the glass ceiling in that fishery, as it's already been apportioned out to private interests, and I don't have the considerable financial resources that it takes to buy my way in. This is a situation that you find across the spectrum of fisheries. As it stands today, the cod fishery is the only holdout that is financially viable, and introducing these proposed cod restrictions would effectively scuttle this.

I find the justification for these cod restrictions disingenuous at best. It's just bad policy. The way that the system functions now, the inactive permits serve primarily to keep the market prices for LLPs down to a level which is affordable for a young fisherman who is just starting out on his or her own. They can be bought for only a few thousand dollars, and leased even more reasonably. Compare this to IFQs, where the amount of money needed to buy into the fishery is measured in the quarters and even halves of millions of dollars.

There is no evidence that the cod fishery is anything but totally healthy, so it's hard to see how reducing the number of permits is a biological and environmental necessity. It would serve only to drive up the prices of the remaining, usable permits to a

level which would shut out the younger generations of fishermen.

Furthermore, many boats that would otherwise not be fishing cod are running unprofitable cod operations just now, because they've seen the writing on the wall in regards to the consolidation of public resources, and they are fishing for catch history. If the Council were to take actions that make clear their intentions to keep the fishery open, it would most likely reduce the number of boats that are out there, which would be welcome news to the people who are actually out there doing the fishing, who find themselves fishing cod to break even, or even at a personal loss, just so that they can hold onto their jobs for the more profitable fisheries, and help to secure more control of the public resources into the hands of the boat and permit owners. These people are in effect helping to dig their own graves, and many of them know this, but have no choice.

In conclusion, I would like to stress the importance of maintaining fair access to our public resources and of carefully evaluating the unintended consequences that these changes in regulation would bring about. Please help keep young Alaskans involved in the fisheries in a real way, and help keep the doors of opportunity open to us.

[11:19:14 AM](#)

CHAIR EDGMON closed public testimony.

[11:19:32 AM](#)

REPRESENTATIVE AUSTERMAN referred to the comments that the legislature should not be involved in relegating fishery limits. On a state level, he maintained, that such actions should be left to the BOF. However, regarding federal policies, it is important for the legislature to become involved, he opined.

[11:20:59 AM](#)

REPRESENTATIVE KELLER moved to report HJR 21, Version 26-LS0668\E, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HJR

21, Version E was reported from the House Special Committee on Fisheries.

[11:21:55 AM](#)

The committee took a brief at ease from 11:22 a.m. to 11:25 a.m.

HB 143-NO REPEAL OF SPORT FISH GUIDE LICENSING

[11:25:41 AM](#)

CHAIR EDGMON announced that the final order of business would be HOUSE BILL NO. 143, "An Act repealing the termination of licensing and regulation of sport fishing operators and sport fishing guides and licensing and registration of sport fishing vessels; and providing for an effective date."

[11:25:54 AM](#)

REPRESENTATIVE KELLER moved to adopt HB 143, Version 26-LS0622\A. With no objection, Version A was before the committee.

[11:26:42 AM](#)

CHARLIE SWANTON, Director, Division of Sport Fisheries, Alaska Department of Fish & Game (ADF&G), directed attention to the committee packet and the briefing document titled "Brief for HB 143: NO REPEAL OF SPORT FISH GUIDE LICENSE (Reauthorization of Sport Fish-Guide Licensing Legislation) March 10, 2009," that indicates the license fee requirements being maintained at current levels. It also provides background information, effected legislation, and companion regulations associated with HB 143. The second page includes the benefits and utility of the data, participation statistics, and information on the department's initiative to modernize to electronic reporting.

[11:28:20 AM](#)

CHAIR EDGMON opened public testimony.

[11:28:45 AM](#)

RICKY GEASE, Executive Director, Kenai River Sportfishing Association (KRSA), expressed support for HB 143, stating that log books are an important component of sustainable, responsible fisheries management. The KRSA supports the department's

efforts to convert the gathered data for use via a modern analysis/reporting system.

[11:29:23 AM](#)

KEN LARSON, Secretary, Prince Wales Sound Charter Boat Association (PWSCBA), stated opposition to HB 143, reading from a prepared statement, which read as follows [original punctuation provided]:

When the Guide License fee was first introduced, many of us, including PWSCBA, were lead to believe that ADF&G was undergoing significant funding shortfalls and needed our help thru this and other measures, and it would help us Charter Operators with their support. As always, actions speak louder than words and once pro-COMFish Denby Lloyd was appointed commissioner it was obvious we made a mistake with our support. And Commissioner Lloyd obviously still supports the COMFish-sponsored Sport Fish Guide License Board, which we all feel is not required and ludicrous. If the COMFish folks were really serious about safety and professionalism they should support 100% US Coast Guard licensing of 100% of their COMFish vessel skippers, just like what is required for all of us Charter vessel operators.

It appears that the guide license fees we are now forced to pay have created and financed an ADF&G data collection department that we don't derive any additional benefit from. The ADF&G-required Logbook administration requires more time from us charter operators that we should be reimbursed for also, IF ADF&G can collect a guide license fee.

I am speaking for Prince William Sound Charter Boat Assn's 28-members and we request that the Guide License and Fee be allowed to Sunset in 2010 or better yet be eliminated now and our 2009 fee be rebated. In other words, we are AGAINST passage of HB-143, because we want the Guide License Fee to sunset.

[11:31:10 AM](#)

MELVIN GROVE, stated opposition to HB 143, citing the lack of benefit received from providing the log book information, thus

far. If a business man's tax is to be raised it could be done via other means, he opined.

CHAIR EDGMON closed public testimony.

[11:34:01 AM](#)

MR. SWANTON commented that the data gathered has been presented to the North Pacific Fishery Management Council, the International Pacific Halibut Commission, and to the Board of Fisheries on numerous occasion. He cited other uses of the data, within the department, and noted that the preliminary information from the log books is quality material. The department is working do determine the best means to move forward in reporting and utilizing the information.

[11:36:08 AM](#)

REPRESENTATIVE BUCH asked how long the data has been collected.

MR. SWANTON the log book data collection began in 1998 in the marine fisheries, and since 2004 in the freshwater fisheries.

REPRESENTATIVE BUCH queried if there have been other reports/updates, or if the pending December report will be the first culmination of the data.

MR. SWANTON responded that it is not the first culmination of the data. However, it will be the first opportunity to compare the two data collection methods to ascertain which is more precise and comprehensive as a data set for management purposes.

[11:37:24 AM](#)

REPRESENTATIVE KAWASAKI referred to the department's brief and the listed benefits that the bill would provide. He asked whether the boat owner is not already bound to comply with United States Coast Guard requirements, and how the provisions of this bill would increase an operator's level of safety.

MR. SWANTON answered that the reference to safety would be for insurance not previously required of sport fishing guides.

REPRESENTATIVE KAWASAKI followed up, asking if there is an insurance requirement under the operator's business license.

MR. SWANTON pointed out that the guide license requires CPR, first aid, and insurance; the business license may be different.

11:40:06 AM

REPRESENTATIVE KELLER moved to report HB 143, Version 26-LS0622\A, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 143, Version A was reported from the House Special Committee on Fisheries.

11:40:31 AM

**ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Fisheries\* meeting was adjourned at 11:41 a.m.